A Regular meeting of the Fairbanks North Star Borough Assembly was held Thursday, February 26, 2015, in the Mona Lisa Drexler Assembly Chambers of the Borough Administrative Offices, 809 Pioneer Road, Fairbanks, Alaska.

There were present:

Karl Kassel, Presiding Officer and

Diane Hutchison                     Lance Roberts
Van Lawrence                        Christopher Quist
Janice Golub (7:00 p.m.)           Guy Sattley
John Davies                         Kathryn Dodge

Comprising a quorum of the Assembly, and

Sallie Stuvek, Acting Borough Mayor
Jim Cobb, Acting Chief of Staff
René Broker, Borough Attorney
Carolyn Yurkovich, Chief Procurement Officer
Scott Johnson, Public Works Director
Glenn Miller, Transportation Director
Ron Lovell, Air Quality Manager
Sean Rice, School Board Representative
Jerry Cleworth, City of Fairbanks Representative
Mayor Ward, North Pole Representative
Nanci Ashford-Bingham, MMC, Borough Clerk
April Trickey, Deputy Borough Clerk
Adena Benn, Research Assistant

Absent & Excused

NONE
PRESENTATIONS

NONE

REQUEST FOR REMOVAL OF ITEMS FROM THE CONSENT AGENDA AND ANY OTHER PROCEDURAL MOTIONS

Track 1, 2:10

The Chair removed Item 9 “e” from the consent agenda:

e. Contract Award: Cooperative Purchase
   Microsoft Enterprise Agreement

   Approval of the award of a Microsoft Enterprise Agreement to Software House International for the total amount of $170,405.61 annually for three years for a total of $511,216.83.

CITIZEN’S COMMENTS

Track 1, 2:36

a. A citizen may speak on agenda items not scheduled for public hearing. Memorandums, Bid Awards, Unfinished Business (items postponed from previous meetings, reconsideration, or notice of intent to rescind), Resolutions, or Ordinances being advanced to a public hearing on a different date.

   Joan Franz, resident of the borough, spoke in support of Ordinance No. 2015-01 but in opposition to the Air Quality Control Zone amendment.

   David Throop, resident of the borough, spoke in opposition to Ordinance No. 2015-01.

   Mike Musick, resident of the borough, spoke in support of Ordinance No. 2015-01 but in opposition to the Air Quality Control Zone amendment.

   Jimmy Fox, resident of the borough, spoke in support of Ordinance No. 2015-01 but in opposition to the Air Quality Control Zone amendment.

   Sucheila Khera, resident of the borough, spoke in support of Ordinance No. 2015-01.

   Spud Burnett, resident of the borough, spoke in support of Ordinance No. 2015-01.
CITIZEN'S COMMENTS – continued

b. Items other than those appearing on the agenda (this is the section to speak on anything **Not Scheduled** on the agenda).

Helen Renfrew, employee of Explore Fairbanks, reported on the recent activity of Explore Fairbanks.

APPROVAL OF AGENDA AND CONSENT AGENDA

*Track 1, 23:37*

**HUTCHISON,** Seconded by **LAWRENCE** moved to approve the agenda and consent agenda, as read and amended.

WITHOUT OBJECTION, SO ORDERED.

APPROVAL OF MINUTES

NONE

COMMUNICATIONS TO THE ASSEMBLY

a. Memorandum from Mayor Hopkins recommending the appointment of service area commissioners for College and Vista Gold Road service areas.

*Track 1, 23:37*

Without objection the measure was introduced, read and approved by title only.

**HUTCHISON,** Seconded by **LAWRENCE** moved to concur.

WITHOUT OBJECTION, SO ORDERED.

b. Memorandum from Mayor Hopkins recommending the appointment of Robert Scott Peterson to the Planning Commission.

*Track 1, 23:37*

Without objection the measure was introduced, read and approved by title only.

**HUTCHISON,** Seconded by **LAWRENCE** moved to concur.

WITHOUT OBJECTION, SO ORDERED.

c. Memorandum from Karl Kassel, FNSB Presiding Officer, recommending the appointment of V. Lenny Reagin and reappointment of J.B. Carnahan to the Assembly Board of Ethics.

*Track 1, 23:37*

Without objection the measure was introduced, read and approved by title only.
COMMUNICATIONS TO THE ASSEMBLY – continued

Without objection the measure was introduced, read and approved by title only.

HUTCHISON, Seconded by LAWRENCE
moved to concur.

WITHOUT OBJECTION, SO ORDERED.

d. Memorandum from Karl Kassel, FNSB Presiding Officer, regarding the appointment of James Mayo and Margery T. Kniffen to the Board of Equalization.

Without objection the measure was introduced, read and approved by title only.

HUTCHISON, Seconded by LAWRENCE
moved to concur.

WITHOUT OBJECTION, SO ORDERED.

e. Contract Award: Cooperative Purchase
  Microsoft Enterprise Agreement

Approval of the award of a Microsoft Enterprise Agreement to Software House International for the total amount of $170,405.61 annually for three years for a total of $511,216.83.

Carolyn Yurkovich, Chief Procurement Officer, gave a staff report.

DAVIES, Seconded by HUTCHISON
moved to approve.

Discussion ensued.

VOTE ON MOTION TO APPROVE AWARD OF A MICROSOFT ENTERPRISE AGREEMENT TO SOFTWARE HOUSE INTERNATIONAL FOR THE TOTAL AMOUNT OF $170,405.61 ANNUALLY FOR THREE YEARS FOR A TOTAL OF $511,216.83.

Ayes: Quist, Hutchison, Dodge, Sattley, Roberts, Lawrence, Davies, Kassel

Noes: None

MOTION CARRIED 8 Ayes, 0 Noes
COMMUNICATIONS TO THE ASSEMBLY – continued

LAWRENCE, Seconded by DODGE
moved to immediately reconsider.

VOTE ON MOTION TO IMMEDIATELY RECONSIDER.

Ayes: None
Noes: Sattley, Lawrence, Roberts, Hutchison, Dodge, Quist, Davies, Kassel

MOTION FAILED
0 Ayes, 8 Noes

f. IFB Award: IFB Number 15044
Ticasuk Brown Elementary School Replace & Upgrade Roof

Approval of Base Bid as submitted by Interior Alaska Roofing, Inc. in the amount of $1,663,700.00.

Carolyn Yurkovich, Chief Procurement Officer, and Scott Johnson, Public Works Director, gave a staff report.

HUTCHISON, Seconded by DAVIES
moved to approve base bid as submitted by Interior Alaska Roofing, Inc. in the amount of $1,663,700.00 contingent on expiration of the appeal period ending March 2, 2015 at 5:00 p.m.

Discussion ensued.

VOTE ON MOTION TO APPROVE BASE BID AS SUBMITTED BY INTERIOR ALASKA ROOFING, INC. IN THE AMOUNT OF $1,663,700.00.

Ayes: Dodge, Sattley, Quist, Lawrence, Roberts, Hutchison, Davies, Kassel
Noes: None

MOTION CARRIED
8 Ayes, 0 Noes

MESSAGES FROM THE BOROUGH MAYOR

Sallie Stuvek, Acting Borough Mayor, reported Mayor Hopkins send his regards and will be back in the office tomorrow.
Assemblymember Hutchison reported the Assembly Citizens’ Budget Review Committee meeting scheduled for 2/23/15 was cancelled due to weather.

Assemblymember Sattley reported FMATS met earlier this week and it was a productive meeting.

**REPORTS FROM REPRESENTATIVES**

a. Report from the City of Fairbanks Representative.

Councilmember Jerry Cleworth reported on:

- The City will soon begin the final stages of work on the Cushman Street Corridor and will go out to RFP soon.

b. Report from the City of North Pole Representative.

Councilmember Mayor Ward reported on:

- The Flint Hills tax assessment came out, leaving a shortfall in the City’s budget.
- Interior Natural Gas Utility met at the library this week in North Pole.

c. Report from the School Board Representative.

School Board Representative Sean Rice reported on:

- Fairbanks BEST is hosting a first Friday in March.
- A budget worksession is scheduled for March 2, 2015 at 6 p.m.

**SPECIAL ORDERS – PUBLIC HEARING**


Assemblymember Roberts gave a staff report.

Sallie Stuvek, Acting Borough Mayor, gave a staff report on the proposed substitute.
PUBLIC HEARING – continued

The Presiding Officer called for public testimony.

Mystiek Lockery, resident of the borough, spoke in opposition to Ordinance No. 2015-09.

David Throop, resident of the borough, spoke in opposition to Ordinance No. 2015-09.

The Presiding Officer called for further public testimony, there being none public hearing was closed.

ROBERTS, Seconded by HUTCHISON moved to adopt.

HUTCHISON, Seconded by DAVIES moved to substitute Ordinance No. 2015-09. An Ordinance Amending Fairbanks North Star Borough Code Title 9 By Adding Chapter 9.17 Entitled Marijuana [PRODUCTS] Regulation AND ADDING DEFINITIONS PERTAINING TO MARIJUANA REGULATION.

Discussion ensued.

ROBERTS, Seconded by HUTCHISON moved to amend line 47 by inserting “allow the borough to” after “intended to” and line 48 by deleting “to the fullest extent allowed” and inserting “within the broadest range of municipal control contemplated” and line 51 by deleting “to the fullest extent allowed” and inserting “within the broadest range of municipal control contemplated”.

Discussion ensued.

VOTE ON MOTION TO AMEND ORDINANCE NO. 2015-09, LINES 47, 48, AND 51.

Ayes: Dodge, Hutchison, Roberts, Sattley, Davies, Kassel

Noes: Quist, Lawrence, Golub

MOTION CARRIED 6 Ayes, 3 Noes
Dodge, Seconded by Quist
moved to amend lines 48-49 by deleting “in order to preserve the public peace, morals and general welfare”.

Discussion ensued.

Hutchison, Seconded by Davies
moved to amend the amendment by deleting only the word “morals” to read: in order to preserve the public peace and general welfare”.

Discussion ensued.

VOTE ON MOTION TO AMEND THE AMENDMENT BY DELETING ONLY THE WORD “MORALS”.

Ayes: Golub, Hutchison, Dodge, Sattley, Roberts, Lawrence, Davies, Kassel
Noes: Quist

MOTION CARRIED 8 Ayes, 1 Noes

VOTE ON MOTION TO AMEND ORDINANCE NO. 2015-09, LINES 48-49, AS AMENDED.

Ayes: Lawrence, Sattley, Golub, Quist, Dodge, Kassel
Noes: Roberts, Hutchison, Davies

MOTION CARRIED 6 Ayes, 3 Noes
PUBLIC HEARING – continued

QUIST,  
Seconded by LAWRENCE

moved to amend by deleting lines 104-119 and inserting “Public,’ as used in AS17.38.020 and AS17.38.040 and as used in this chapter, means a place to which the public or a substantial group of persons has access and includes highways, transportation facilities, schools, places of amusement or business, parks, playgrounds, prisons, and hallways and other parts of apartment houses and hotels not constituting rooms or apartment houses and hotels not constituting rooms or apartments designed for actual residence. Notwithstanding the foregoing, a location with proper licensure in place and that is in compliance with applicable state law and regulation, borough ordinance, including borough licensure requirements, if any, and that is operating within the restrictions of such law and licensure is not a public palace within the meaning of AS17.38.020 and AS17.38.040.”

Discussion ensued.

DODGE,  
Seconded by GOLUB

moved to amend the amendment by adding the word “lobbies” after the word “hallways”.

WITHOUT OBJECTION, SO ORDERED.

Discussion ensued.

ROBERTS,  
Seconded by GOLUB

moved to amend the amendment by adding the words “rivers and lakes” after the word “highways”.

Discussion ensued.
PUBLIC HEARING – continued

VOTE ON MOTION TO AMEND THE AMENDMENT BY ADDING THE WORDS “RIVERS AND LAKES” AFTER THE WORD “HIGHWAYS”.

Ayes: Roberts, Hutchison, Golub, Sattley, Quist, Lawrence, Dodge, Davies
Noes: Kassel
MOTION CARRIED 8 Ayes, 1 Noes

Discussion ensued.

VOTE ON MOTION TO AMEND BY DELETING LINES 104-119 REPLACING WITH A NEW DEFINITION OF PUBLIC, AS AMENDED.

Ayes: Lawrence, Golub, Dodge, Quist, Davies, Kassel
Noes: Sattley, Roberts, Hutchison
MOTION CARRIED 6 Ayes, 3 Noes

The Chair ruled a vote on the substitute will carry the main motion.

VOTE ON MOTION TO ADOPT PROPOSED SUBSTITUTE ORDINANCE NO. 2015-09, AS AMENDED.

Ayes: Roberts, Hutchison, Golub, Sattley, Quist, Lawrence, Dodge, Davies, Kassel.
Noes: None
MOTION CARRIED 9 Ayes, 0 Noes

b. ORDINANCE NO. 2015-10. An Ordinance Amending 9.20 Compulsory Attendance To Authorize Absences Related To Homelessness And Absences Listed In School Board Policy.
(Sponsors: Mayor Hopkins and Assemblymember Kassel)
Track 3, 18:33

Sallie Stuvek, Acting Borough Mayor, gave a staff report.

The Presiding Officer called for public testimony.
PUBLIC HEARING – continued

Sandra Kowalski, resident of the borough, spoke in support of Ordinance No. 2015-10.

The Presiding Officer called for further public testimony, there being none public hearing was closed.

LAWRENCE, Seconded by GOLUB
moved to adopt.

Discussion ensued.

Hutchison, Seconded by DODGE
moved to amend line 37 by deleting “McKinney-Vento” and replacing it with “homeless”.

Discussion ensued.

WITHOUT OBJECTION, SO ORDERED.

Discussion ensued.

VOTE ON MOTION TO ADOPT ORDINANCE NO. 2015-10, AS AMENDED.

Ayes: Dodge, Quist, Lawrence, Hutchison, Roberts, Golub, Sattley, Davies, Kassel

Noes: None

MOTION CARRIED 9 Ayes, 0 Noes

ORDINANCE NO. 2014-20-1W. An Ordinance Amending The FY 2014-15 Budget By Reallocating An Estimated $3,094,561 From The Service Area Matching Grant Program In The Capital Projects Fund To The Road Service Revolving Loan Fund. (Sponsor: Mayor Hopkins)

Track 3, 25:20

Scott Johnson, Public Works Director, gave a staff report.

The Presiding Officer called for public testimony, there being none public hearing was closed.

HUTCHISON, Seconded by GOLUB
moved to adopt.
PUBLIC HEARING – continued

Discussion ensued.

VOTE ON MOTION TO ADOPT ORDINANCE NO. 2014-20-1W.

Ayes: Quist, Golub, Hutchison, dodge, Sattley, Roberts, Lawrence, Davies, Kassel

Noes: None

MOTION CARRIED 9 Ayes, 0 Noes

d. ORDINANCE NO. 2014-20-2A. An Ordinance Amending The FY 2014-15 Budget By Appropriating $1,000,000 From The General Fund Fund Balance To The Transit Enterprise Projects Fund For The Enhanced Voluntary Removal, Replacement, and Repair Program For Solid Fuel Burning Appliances. (Sponsors: Assemblymembers Dodge and Davies)

Assemblymembers Dodge and Davies gave a staff report.

The Presiding Officer called for public testimony.

Jimmy Fox, resident of the borough, spoke in support of Ordinance No. 2014-20-2A.

Kathleen Hooks, resident of the borough, and chairman of the Air Pollution Control Commission spoke in support of Ordinance No. 2014-20-2A.

David Throop, resident of the borough, spoke in opposition to Ordinance No. 2014-20-2A.

The Presiding Officer called for further public testimony, there being none public hearing was closed.

DAVIES, Seconded by GOLUB moved to adopt.

Discussion ensued.
PUBLIC HEARING – continued

VOTE ON MOTION TO ADOPT ORDINANCE NO. 2014-20-2A.

Ayes: Sattley, Lawrence, Roberts, Hutchison, Golub, Dodge, Quist, Davies, Kassel

Noes: None

MOTION CARRIED 9 Ayes, 0 Noes

CONSIDERATION OF CALENDAR – Unfinished Business

a. ORDINANCE NO. 2015-01. An Ordinance Amending Chapter 8.21 Of The FNSB Code Of Ordinances Regarding The PM2.5 Air Quality Control Program, Amending 2.48.120 Regarding The Air Pollution Control Commission’s Duties, And Amending 1.04.050 Regarding The Fine Schedule To Add Violations Of The PM2.5 Air Quality Control Program.
(Sponsors: Assemblymembers Davies, Dodge and Golub)

Clerk’s Note: This ordinance was moved on February 12, 2015 by Assemblymember Davies, seconded by Assemblymember Dodge. It was moved to substitute on February 12, 2015 by Assemblymember Sattley, seconded by Assemblymember Dodge.

The Chair ruled a vote on the substitute will carry the main motion.

SATTLEY, Seconded by DAVIES moved to confirm the revised map of the Air Quality Control Zone, which was adjusted for parcels.

WITHOUT OBJECTION, SO ORDERED.

DODGE, Seconded by GOLUB moved to amend the Air Quality Control Zone to add a section to the Zone in the Southwest corner of the map by adding the language “at the intersection of Isberg Road with Chena Ridge Road on the western boundary of the EPA designated non-attainment area,”

Discussion ensued.
CONSIDERATION OF CALENDAR – Unfinished Business – continued

VOTE ON MOTION TO AMEND BY ADDING A SOUTH WEST SECTION TO THE AIR QUALITY CONTROL ZONE.

Ayes: Sattley, Lawrence, Hutchison, Golub, Dodge, Quist, Davies, Kassel

Noes: Roberts

MOTION CARRIED 8 Ayes, 1 Noes

ROBERTS, Seconded by HUTCHISON moved to amend lines 125-131, Section 3(B) to add after the word “tested” “including by use of a handheld or other portable device,”; and after the word “meets” add “an” and delete “the EPA” to read: “The solid fuel burning appliance is tested, including by use of a handheld or other portable device, by an accredited independent laboratory, or other qualified person or entity approved by the borough establishing that it meets an emission rate…”

Discussion ensued.

VOTE ON MOTION TO AMEND SECTION 3(B) TO ADD “INCLUDING BY USE OF A HANDHELD OR OTHER PORTABLE DEVICE”.

Ayes: Golub, Dodge, Sattley, Quist, Lawrence, Roberts, Hutchison, Davies, Kassel

Noes: None

MOTION CARRIED 9 Ayes, 0 Noes
CONSIDERATION OF CALENDAR – Unfinished Business – continued

DAVIES, Seconded by HUTCHISON
moved to amend line 66 to add three
Whereas clauses to the end of the
preamble as follows:

WHEREAS, it is the intent of the Fairbanks
North Star Borough Assembly to respond
to calls for regulations that will help
improve the air quality within the borough
by adopting a program that balances the
need for clean air with the needs for
economically heating our buildings; and

WHEREAS, in adopting this clean air
program, it is the intent of the Assembly
that it be enforced by concentrating on the
most significant sources of PM2.5 pollution
first, both for attainment within the Non-
Attainment area and for significant local
sources of pollution that affect adjacent
and nearby properties; and

WHEREAS, in enforcing this clean air
program, it is the intent of the Assembly
that the focus be on assisting violators to
come into compliance through the use of
warning, education, and assistance
provided through programs such as the
enhanced solid fuel burning device
change-out program.

VOTE ON MOTION TO AMEND BY ADDING THREE ADDITIONAL WHEREAS
CLAUSES.

Ayes: Hutchison, Roberts, Lawrence, Dodge, Quist, Sattley, Golub, Davies, Kassel
Noes: None
MOTION CARRIED 9 Ayes, 0 Noes
CONSIDERATION OF CALENDAR – Unfinished Business – continued

DODGE, Seconded by QUIST
moved to amend the Air Quality Control Zone by extending the northern boundary of the Zone to add a section referred to as the ‘Weller Triangle’ which follows along Bennett road to connect the Steese Highway and Chena Hot Springs Road.

Discussion ensued.

DAVIES, Seconded by LAWRENCE
moved to amend the amendment by extending the boundary up to Steele Creek Road.

WITHOUT OBJECTION, SO ORDERED. The Weller Triangle is amended to extend the boundary up to Steele Creek Road.

Discussion ensued.

VOTE ON MOTION TO AMEND BY ADDING THE WELLER TRIANGLE TO THE AIR QUALITY CONTROL ZONE, AS AMENDED.

Ayes: Hutchison, Golub, Sattley, Quist, Lawrence, Dodge, Davies, Kassel

Noes: Roberts

MOTION CARRIED 8 Ayes, 1 Noes

HUTCHISON, Seconded by DODGE
moved to amend line 175 by adding the word “and” after the word “line”.

Discussion ensued.

ALL OBJECTED, MOTION FAILED.
CONSIDERATION OF CALENDAR – Unfinished Business – continued

DAVIES, Seconded by GOLUB
moved to amend by adding Magoffin Highlands to the Air Quality Control Zone by extending the boundary that runs north from Yankovich Road along the east boundary of the Large Animal Research Station to a point just north of its intersection with Nottingham Drive and follows the ridge crest across Nottingham Estates to approximately the point where Swallow Drive intersects Dalton Trail.

Discussion ensued.

VOTE ON MOTION TO AMEND BY ADDING MAGOFFIN HIGHLANDS TO THE AIR QUALITY CONTROL ZONE.

Ayes: Sattley, Lawrence, Hutchison, Golub, Dodge, Quist, Davies, Kassel

Noes: Roberts

MOTION CARRIED 8 Ayes, 1 Noes

ROBERTS, Seconded by GOLUB
moved to amend Section 5(D)(4) lines 297-299 and Section 5(E)(4) by adding after “prohibited” “Including non-permitted incinerators and burn barrels.” And adding “does not” after “This” to read: “Outdoor burning is prohibited including non-permitted incinerators and burn barrels. This does not include recreational fires such as bonfires, campfires and the use of fire pits.”

GOLUB, Seconded by HUTCHISON
moved to amend the amendment to include the words “ceremonial fires” to read: “This does not include recreational fires such as bonfires, campfires or ceremonial fires and the use of fire pits.”

WITHOUT OBJECTION, SO ORDERED. The words “ceremonial fires” are added to the amendment.
CONSIDERATION OF CALENDAR – Unfinished Business – continued

ROBERTS, Seconded by DAVIES moved to amend the amendment to replace “or ceremonial fires” to “as defined in 18 AAC 50.990(140).

Discussion ensued.

ALL OBJECTED, MOTION FAILED.

ROBERTS, Seconded by DAVIES moved to divide the question to address the amendments in 5(D)(4) and 5(E)(4) separately.

VOTE ON MOTION TO DIVIDE THE QUESTION.

Ayes: Lawrence, Sattley, Quist, Dodge, Davies, Kassel

Noes: Roberts, Golub, Hutchison

MOTION CARRIED 6 Ayes, 3 Noes

Discussion ensued.

WITHOUT OBJECTION, SO ORDERED. Section 5(D)(4) is amended to read “Outdoor burning is prohibited including non-permitted incinerators and burn barrels. This does not include recreations fires such as bonfires, campfires and the use of fire pits.”

Discussion ensued.

VOTE ON MOTION TO AMEND SECTION 5(E)(4) TO READ “OUTDOOR BURNING IS PROHIBITED INCLUDING NON-PERMITTED INCINERATORS AND BURN BARRELS. THIS DOES NOT INCLUDE RECREATIONS FIRES SUCH AS BONFIRES, CAMPFIRES AND THE USE OF FIRE PITS.”

Ayes: Sattley, Roberts, Hutchison, Golub, Dodge, Davies, Kassel

Noes: Lawrence, Quist

MOTION CARRIED 7 Ayes, 2 Noes
CONSIDERATION OF CALENDAR – Unfinished Business – continued

DODGE, Seconded by DAVIES
moved to amend lines 139-140 by changing “Air Quality Control Zone” to “non-attainment area” to read “Installation of certain solid fuel burning appliances in the non-attainment area. Within the non-attainment area no person…”

Discussion ensued. The Chair ruled the amendment is not dilatory.

VOTE ON MOTION TO AMEND LINES 139-140 TO CHANGE “AIR QUALITY CONTROL ZONE” TO “NON-ATTAINMENT AREA”.

Ayes: Golub, Dodge, Quist, Lawrence, Hutchison, Davies
Noes: Sattley, Roberts, Kassel
MOTION CARRIED 6 Ayes, 3 Noes

HUTCHISON, Seconded by ROBERTS
moved to amend line 179 Section 4(E) to replace “Borough-Wide” with “Air Quality Control Zone”; and amend line 190 Section 4(F) to replace “Borough” with Air Quality Control Zone”; and amend line 237 and line 239 Section 4(H) to add “within the Fairbanks North Star Borough” after the words “No person”.

DAVIES, Seconded by GOLUB
moved to divide the question to address the amendments to lines 179 and 190 separately from the amendments to lines 237 and 239.

VOTE ON MOTION TO DIVIDE THE QUESTION.

Ayes: Roberts, Golub, Sattley, Quist, Lawrence, Dodge, Davies, Kassel
Noes: Hutchison
MOTION CARRIED 8 Ayes, 1 Noes

Discussion ensued.
CONSIDERATION OF CALENDAR – Unfinished Business – continued

DODGE, moved to further divide the question to address the amendments to line 179 separately from the amendments to line 190.
DIED FOR LACK OF SECOND

VOTE ON MOTION TO AMEND LINES 179 AND 190 BY REPLACING “BOROUGH-WIDE” AND “BOROUGH” WITH “AIR QUALITY CONTROL ZONE”.

Ayes: Hutchison, Roberts, Sattley, Kassel
Noes: Dodge, Quist, Lawrence, Golub, Davies,
MOTION FAILED 4 Ayes, 5 Noes

Discussion ensued.

WITHOUT OBJECTION, SO ORDERED. Line 237 and line 239 Section 4(H) is amended to add “within the Fairbanks North Star Borough” after the words “No person”.

DAVIES, moved to amend line 121 and line 131 to replace “0.10lbs/million BTU” with “2.5 grams of PM2.5 per hour”.
Seconded by GOLUB

Discussion ensued.

VOTE ON MOTION TO AMEND LINE 121 AND LINE 131 BY REPLACING “0.10LBS/MILLION BTU” WITH “2.5 GRAMS OF PM2.5 PER HOUR”.

Ayes: Lawrence, Roberts, Hutchison, Golub, Dodge, Quist, Davies
Noes: Sattley, Kassel
MOTION CARRIED 7 Ayes, 2 Noes

DAVIES, moved to amend line 163 by replacing “30” with “20” to read: “opacity greater than 20 percent…”
Seconded by GOLUB

Discussion ensued.
VOTE ON MOTION TO AMEND LINE 163 BY REPLACING “30” WITH “20”.

Ayes: Golub, Dodge, Quist, Lawrence, Hutchison, Davies

Noes: Sattley, Roberts, Kassel

MOTION CARRIED 6 Ayes, 3 Noes

DAVIES, Seconded by LAWRENCE moved to amend line 194 by replacing “and” with “or” to read: “clean wood or has more than…”

WITHOUT OBJECTION, SO ORDERED. On line 194 “and” is replaced with “or”.

ROBERTS, Seconded by HUTCHISON moved to amend lines 168-169 by adding "or an infrared camera upon request of the person being investigated" after “Stationary Sources)"

Discussion ensued.

DAVIES, Seconded by GOLUB moved to amend the amendment by replacing Mr. Roberts’ amendment with the following: amend line 166 by adding “When ambient weather and light conditions permit” before “Methods”; and amend line 171 by replacing “combustion” with “burning”; and amend line 168 to add “or an alternative technology that replaces method 9” after “Sources)“.

Discussion ensued.
CONSIDERATION OF CALENDAR – Unfinished Business – continued

VOTE ON MOTION TO AMEND THE AMENDMENT.

Ayes: Quist, Golub, Hutchison, Dodge, Roberts, Lawrence, Davies, Kassel
Noes: Sattley
MOTION CARRIED 8 Ayes, 1 Noes

ROBERTS, Seconded by SATTLEY
moved to amend the amendment by adding “upon the request of the person being investigated” after “Method 9”.

Discussion ensued.

VOTE ON MOTION TO AMEND THE AMENDMENT BY ADDING “UPON THE REQUEST OF THE PERSON BEING INVESTIGATED”.

Ayes: Sattley, Lawrence, Roberts, Hutchison, Golub, Quist, Davies, Kassel
Noes: Dodge
MOTION CARRIED 8 Ayes, 1 Noes

DAVIES, Seconded by GOLUB
moved to amend the amendment by adding “when the technology is available and the choice is feasible” before the main amendment to read: “When the technology is available and the choice is feasible, upon request of the person being investigated,”

VOTE ON MOTION TO AMEND THE AMENDMENT BY ADDING “WHEN THE TECHNOLOGY IS AVAILABLE AND THE CHOICE IS FEASIBLE”

Ayes: Golub, Dodge, Sattley, Quist, Lawrence, Roberts, Hutchison, Davies, Kassel
Noes: None
MOTION CARRIED 9 Ayes, 0 Noes
CONSIDERATION OF CALENDAR – Unfinished Business – continued

LAURENCE, Seconded by DODGE moved to suspend the ruled to complete Ordinance No. 2015-01.

VOTE ON MOTION TO SUSPEND THE RULED TO COMPLETE ORDINANCE NO. 2015-01.

Ayes: Hutchison, Roberts, Lawrence, Dodge, Quist, Sattley, Golub, Davies, Kassel
Noes: None
MOTION CARRIED 9 Ayes, 0 Noes

VOTE ON MOTION TO AMEND LINE 166, THE PROCEDURES AND ENFORCEMENT SECTION, AS AMENDED.

Ayes: Lawrence, Roberts, Golub, Hutchison, Quist, Dodge, Davies, Kassel
Noes: Sattley
MOTION CARRIED 8 Ayes, 1 Noes

DODGE, Seconded by QUIST moved to amend line 360 by adding “and FNSBC 8.21.025(F)(1) (requirement wood be 20% moisture content) which shall be effective on October 1, 2015.” After “May 1, 2015”

Discussion ensued.

VOTE ON MOTION TO AMEND LINE 360 TO ADD “AND FNSBC 8.21.025(F)(1) (REQUIREMENT WOOD BE 20% MOISTURE CONTENT) WHICH SHALL BE EFFECTIVE ON OCTOBER 1, 2015.” AFTER “MAY 1, 2015”.

Ayes: Roberts, Hutchison, Golub, Quist, Lawrence, Dodge, Davies, Kassel
Noes: Sattley
MOTION CARRIED 8 Ayes, 1 Noes
CONSIDERATION OF CALENDAR – Unfinished Business – continued

QUIST, Seconded by ROBERTS
moved to amend line 146 by deleting Section 4(B) in its entirety and also deleting all associated fines.

Discussion ensued.

VOTE ON MOTION TO AMEND BY DELETING SECTION 4(B) IN ITS ENTIRETY AND ALSO DELETING ALL ASSOCIATED FINES.

Ayes: Sattley, Roberts, Hutchison
Noes: Lawrence, Golub, Quist, Dodge, Davies, Kassel

MOTION FAILED
3 Ayes, 6 Noes

ROBERTS, Seconded by LAWRENCE
moved to amend line 162 by removing the word “combustion”; and amend line 164 by replacing “20” with “30”; and amend lines 180-181 by adding “fuel” after “pellet” and replacing “device” with “appliance”; and amend lines 344-345 by adding “or waste oil” after “fuel” on both lines.

Discussion ensued.

WITHOUT OBJECTION, SO ORDERED.

ROBERTS, Seconded by LAWRENCE
moved to amend lines 289-290 by removing “No waste oil may be added to a waste oil burning appliance.”

Discussion ensued.

WITHOUT OBJECTION, SO ORDERED.
CONSIDERATION OF CALENDAR – Unfinished Business – continued

DODGE,
Seconded by GOLUB

moved to amend lines 107-108 by deleting the definition of “neighborhood background level”; and amend line 177 by replacing “neighborhood” with “immediate vicinity”; and amend line 178 by adding the sentence: “For purposes of this subsection, the surrounding “immediate vicinity” means land within an area measured 1,200 feet in all directions from the boundaries of the emitting property.”

VOTE ON MOTION TO AMEND LINES 107-108, 177-178.

Ayes: Golub, Dodge, Sattley, Quist, Lawrence, Roberts, Hutchison, Davies, Kassel

Noes: None

MOTION CARRIED 9 Ayes, 0 Noes

ROBERTS,
Seconded by HUTCHISON

moved to amend line 345 to add at the end of the sentence: “or complying with a restriction would result in damage to property including damage to the appliance itself and its heating system components.”

Discussion ensued.

VOTE ON MOTION TO AMEND LINE 345 TO ADD TO THE SENTENCE.

Ayes: Hutchison, Roberts, Lawrence, dodge, Sattley, Golub, Davies, Kassel

Noes: Lawrence, Quist

MOTION CARRIED 7 Ayes, 2 Noes
CONSIDERATION OF CALENDAR – Unfinished Business – continued

DODGE, moved to amend line 244 to add a new subsection as follows: “Penalties. Upon conviction the penalty(ies)/fines(s) set forth in FNSBC Title 1 regarding violations of the PM2.5 air quality control program may be satisfied by completion within 60 days of a borough approved class covering PM2.5 health concerns, non-attainment, importance of dry wood and proper operation of solid fuel burning appliances. The borough may on its own initiative file notice of satisfaction of attendance requirements with the court, or the defendant may file a certificate of completion with the court within the applicable time frame.

Discussion ensued.

DAVIES, moved to amend the amendment by adding “first” and “of an offense in this chapter” to read “Penalties. Upon conviction of the first offense in this chapter…”

WITHOUT OBJECTION, SO ORDERED. The first sentence of the amendment now reads “Upon conviction of the first offense in this chapter…”

Discussion ensued.

VOTE ON MOTION TO AMEND LINE 244 BY ADDING A NEW SUBSECTION “PENALTIES”, AS AMENDED.

Ayes: Roberts, Hutchison, Golub, Sattley, Quist, Lawrence, Dodge, Davies, Kassel

Noes: None

MOTION CARRIED 9 Ayes, 0 Noes
CONSIDERATION OF CALENDAR – Unfinished Business – continued

DODGE,                      moved to amend line 322 by adding
Seconded by GOLUB subsection F. under Section 6 as follows:

F. The commission may [SHALL] develop
or review comprehensive plans for the
prevention, abatement, and control of air
pollution in the borough. Such plans may
include recommendations on subjects
including, but not limited to, transportation
control measures, zoning, taxation,
research, and public relations.

Discussion ensued.

VOTE ON MOTION TO AMEND LINE 322 BY ADDING A SUBSECTION “F”.

Ayes: Roberts, Hutchison, Golub, Sattley, Quist,
Lawrence, dodge, Davies, Kassel

Noes: None

MOTION CARRIED 9 Ayes, 0 Noes

ROBERTS,                      moved to amend line 304 by replacing “75”
Seconded by QUIST with “60”; and amend line 321 by adding to
the sentence “or at temperatures below -10
as recorded at the Fairbanks International
Airport.”

Discussion ensued.

LAWRENCE,                      moved to amend the amendment to delete
Seconded by ROBERTS “as recorded at the Fairbanks International

Airport.”

Discussion ensued.
CONSIDERATION OF CALENDAR – Unfinished Business – continued

VOTE ON MOTION TO AMEND THE AMENDMENT TO DELETE “AS RECORDED AT THE FAIRBANKS INTERNATIONAL AIRPORT.”

Ayes: Lawrence, Roberts
Noes: Sattley, Golub, Hutchison, Quist, Dodge, Davies, Kassel

MOTION FAILED
2 Ayes, 7 Noes

LAWRENCE, Seconded by HUTCHISON
moved to amend the amendment to add at the end of the sentence “or to listed appliances when the temperature is below -10…”

Discussion ensued.

VOTE ON MOTION TO AMEND THE AMENDMENT TO ADD “OR TO LISTED APPLIANCES…”

Ayes: Quist, Golub, Hutchison, dodge, Sattley, Lawrence, Davies, Kassel
Noes: Roberts

MOTION CARRIED
8 Ayes, 1 Noes

QUIST, Seconded by DODGE
moved to amend the amendment to add “masonry heaters or pellet fuel burning appliances”

WITHOUT OBJECTION, SO ORDERED.

LAWRENCE, Seconded by QUIST
moved to amend the amendment to change “-10” to “-20”.

Discussion ensued.
CONSIDERATION OF CALENDAR – Unfinished Business – continued

VOTE ON MOTION TO AMEND THE AMENDMENT TO CHANGE “-10” TO “-20”.

Ayes: Lawrence, Dodge, Quist

Noes: Hutchison, Roberts, Sattley, Golub, Davies, Kassel

MOTION FAILED 3 Ayes, 6 Noes

QUIST, Seconded by DODGE moved to amend the amendment to change “-10” to “-15”.

VOTE ON MOTION TO AMEND THE AMENDMENT TO CHANGE “-10” TO “-15”.

Ayes: Golub, Quist, Lawrence, Dodge, Davies

Noes: Roberts, Hutchison, Sattley, Kassel

MOTION CARRIED 5 Ayes, 4 Noes

DAVIES, Seconded by DODGE moved to amend the amendment to change “60” to “55”.

VOTE ON MOTION TO AMEND THE AMENDMENT TO CHANGE “60” to “55”.

Ayes: Dodge, Quist, Lawrence, Golub, Davies, Kassel

Noes: Hutchison, Roberts, Sattley

MOTION CARRIED 6 Ayes, 3 Noes
CONSIDERATION OF CALENDAR – Unfinished Business – continued

The Chair reinstated the amended amendment as follows: On line 305 change the threshold from 75 to 55, and beginning at line 321 it will read as follows: “These restrictions shall not apply during a power failure or to listed appliances, masonry heaters or pellet fuel burning appliance when the temperature is below -15 as recorded at the Fairbanks International Airport.

VOTE ON MOTION TO AMEND AS REINSTATED ABOVE, AS AMENDED.

Ayes: Dodge, Quist, Lawrence, Hutchison, Roberts, Golub, Sattley, Davies, Kassel
Noes: None
MOTION CARRIED 9 Ayes, 0 Noes

Assemblymembers commented on Ordinance No. 2015-01.

VOTE ON MOTION TO ADOPT ORDINANCE NO. 2015-01, AS AMENDED.

Ayes: Lawrence, Golub, Hutchison, Quist, Dodge, Davies, Kassel
Noes: Sattley, Roberts
MOTION CARRIED 7 Ayes, 2 Noes

DODGE, Seconded by GOLUB

moved to immediately reconsider.

VOTE ON MOTION TO IMMEDIATELY RECONSIDER ORDINANCE NO. 2015-01.

Ayes: Roberts
Noes: Lawrence, Sattley, Golub, Hutchison, Quist, Dodge, Davies, Kassel
MOTION CARRIED 1 Ayes, 8 Noes

*Clerk’s Note: Ordinance No. 2015-01 was adopted on the morning of February 27, 2015.*
CITIZEN'S COMMENTS – Limited To Three (3) Minutes (Continuation if needed)

a. items that are not scheduled for public hearing – continuation.

This item was not heard due to time constraints.

CONSIDERATION OF CALENDAR – New Business – Resolutions

a. RESOLUTION NO. 2015-06. A Resolution Authorizing The Borough To Implement A Five Year Commercial Timber Harvest Schedule.
   (Sponsor: Mayor Hopkins)
   Track 1, 23:37

   Without objection the measure was introduced, read and approved by title only.
   HUTCHISON,                             moved to adopt.
   Seconded by LAWRENCE

   WITHOUT OBJECTION, SO ORDERED.

b. RESOLUTION NO. 2015-07. A Resolution Authorizing The Mayor To Grant A Lease On Borough Owned Land Located In The South Half Of Section 14, T.2N., R.1W., F.M. (Located On The North Side Of Old Murphy Dome Road)
   (Sponsor: Mayor Hopkins)
   Track 1, 23:37

   Without objection the measure was introduced, read and approved by title only.
   HUTCHISON,                             moved to adopt.
   Seconded by LAWRENCE

   WITHOUT OBJECTION, SO ORDERED.

c. RESOLUTION NO. 2015-08. A Resolution Of Appreciation And Support For The Alaska Industrial Development And Export Authority’s (AIDEA) Continued Commitment To Meeting The Goals Of The Interior Energy Project (IEP).
   (Sponsors: Assemblymembers Davies and Hutchison)
   Track 1, 39:50

   Assemblymembers Davies and Hutchison gave a staff report.
   DODGE,                             moved to adopt.
   Seconded by LAWRENCE

   Discussion ensued.
CONSIDERATION OF CALENDAR – New Business – Resolutions

VOTE ON MOTION TO ADOPT RESOLUTION NO. 2015-07.

Ayes: Roberts, Hutchison, Sattley, Quist, Lawrence, Dodge, Davies, Kassel

Noes: None

MOTION CARRIED 8 Ayes, 0 Noes

CONSIDERATION OF CALENDAR – New Business – Ordinances To Be Referred To Committees Or Commissions

NONE

CONSIDERATION OF CALENDAR – New Business – Ordinances To Be Introduced And Advanced To Public Hearing


Without objection the measure was introduced, read and approved by title only.

HUTCHISON, Seconded by LAWRENCE  moved to refer to the Finance Committee on March 5, 2015; Advance to March 12, 2015 for Public Hearing.

WITHOUT OBJECTION, SO ORDERED.

b. ORDINANCE NO. 2014-20-2C. An Ordinance Amending The FY 2014-15 Budget By Appropriating $250,000 From The General Fund Fund Balance To General Fund Non-Departmental For Valuation And Other Energy Related Issues. (Sponsor: Mayor Hopkins) Track 1, 23:37

Without objection the measure was introduced, read and approved by title only.
CONSIDERATION OF CALENDAR – New Business – Ordinances To Be Introduced
And Advanced To Public Hearing – continued

HUTCHISON,  Seconded by LAWRENCE
moved to refer to the Finance Committee
on March 5, 2015; Advance to March 12,
2015 for Public Hearing.

WITHOUT OBJECTION, SO ORDERED.

Marijuana Regulation And Amending 1.04.050 Regarding The Fine Schedule To
Add Violations Of Chapter 9.17.
(Sponsor Mayor Hopkins)
Track 1, 23:37

Without objection the measure was introduced, read and approved by title only.

HUTCHISON,  Seconded by LAWRENCE
moved to refer to the Finance Committee
on March 5, 2015; Advance to March 12,
2015 for Public Hearing.

WITHOUT OBJECTION, SO ORDERED.

CITIZEN’S COMMENTS – Limited To Three (3) Minutes (Continuation if needed)

b. Items other than those appearing on the agenda (this is the section to
speak on anything Not Scheduled on the agenda).

This item was not heard due to time constraints.

ASSEMBLYMEMBER’S COMMENTS

Assembly Schedule for the week of March 2, 2015:

Thursday, March 5, 2015:

Finance Committee meets at 5:30 p.m. in the Mona Lisa Drexler Assembly
Chambers.

Committee of the Whole immediately following.

Assemblymember Dodge reported on her attendance at the NACo Conference in
Washington, D.C.

Assemblymember Kassel congratulated Sharon and Tom Johnson and the
Schrodinger’s Hat robotics team for winning the FIRST Robotics Alaska Regionals.
ADJOURNMENT

There being no further business to come before the Fairbanks North Star Borough Assembly, the meeting was adjourned at 12:57 a.m. on February 27, 2015.

ATTEST:

Karl Kassel
Presiding Officer

Nanci Ashford-Bingham
Borough Clerk

APPROVED: April 9, 2015